

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

EAGLE INVESTORS,

Plaintiff,

vs.

BANK OF AMERICA, N.A., *et al.*,

Defendants.

Case No.: 2:14-cv-00123-GMN-NJK

**ORDER**

On March 29, 2018, the Court granted summary judgment to Defendants Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP (“BANA”) and Mortgage Electronic Registration Company System, Inc. (“MERS”) (collectively “Defendants”) because, under *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), the Northern Terrace Homeowners Association (“HOA”) “foreclosed under a facially unconstitutional notice scheme” and therefore the “foreclosure sale cannot have extinguished” Plaintiff’s deed of trust on the property. (Order 6:15–17, ECF No. 133). The Ninth Circuit has since held, however, that Nevada’s homeowner’s association foreclosure scheme is not facially unconstitutional because the decision in *Bourne Valley* was based on a construction of Nevada law that the Nevada Supreme Court has since made clear was incorrect. *See Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass’n*, 920 F.3d 620, 624 (9th Cir. 2019) (recognizing that Bourne Valley “no longer controls the analysis” in light of *SFR Investments Pool I, LLC v. Bank of New York Mellon*, 422 P.3d 1248 (Nev. 2018)). Moreover, for orders from this district that relied on *Bourne Valley Court Trust v. Wells Fargo Bank, N.A.*, 832 F.3d 1154 (9th Cir. 2016), and were thereafter appealed, the Ninth Circuit recently began reversing and remanding such orders in

1 light of *Bank of Am., N.A. v. Arlington W. Twilight Homeowners Ass'n*, 920 F.3d 620, 624 (9th  
2 Cir. 2019). *See, e.g., U.S. Bank, N.A. v. SFR Investments Pool 1, LLC*, No. 18-16006, 2019 WL  
3 6817304, at \*1 (9th Cir. Dec. 13, 2019).

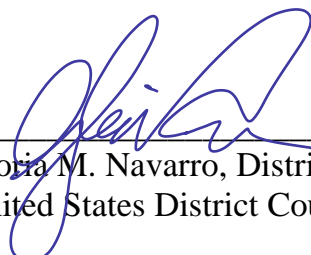
4 Accordingly, to preserve judicial resources,

5 **IT IS HEREBY ORDERED** that the Court's prior Order, (ECF No. 133), is  
6 **VACATED.**

7 **IT IS FURTHER ORDERED** that the parties shall have thirty days from the date of  
8 this Order to file renewed dispositive motions.

9 The Clerk of Court shall reopen the case and deliver a copy of this Order to the United  
10 States Court of Appeals for the Ninth Circuit, Appeal Number 18-15631.

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12 **DATED** this 18 day of December, 2019.

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16 Gloria M. Navarro, District Judge  
17 United States District Court  
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